

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 1:13-cv-10977-MLW

THOMAS ABATE, *
*
Plaintiff, *
v. *
*
NEW YORK COMMUNITY SAVINGS *
BANK/OHIO SAVINGS BANK,¹ *
*
Defendant, *
*

DEFENDANT'S MOTION TO AMEND CASE CAPTION

NOW COMES, Defendant, New York Community Bank ("NYCB"), by and through its attorneys Doonan, Graves, & Longoria, L.L.C., and hereby moves the Court for an Order allowing the NYCB to amend the case caption to accurately reflect the correct name of the Defendant. In support of this action, NYCB states:

1. The summons and restraining order incorrectly named New York Community Savings Bank/Ohio Savings Bank, as Defendant.
2. Mortgage Electronic Registration Systems, Inc., as nominee for Ohio Savings Bank, executed an Assignment of Mortgage to New York Community Bank on August 29, 2012, recorded September 17, 2012, at the Suffolk County Registry of Deeds in Book 50176, Page 195. See Exhibit A (a true and correct copy of the New York Community Bank Assignment is attached hereto and incorporated herein).

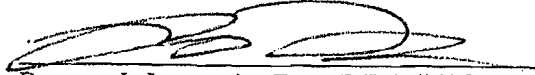
WHEREFORE, New York Community Bank respectfully requests that this Court grant an Order allowing the amendment of the case caption.

ALLOWED
WCH. DJ
Oct. 24, 2013

Dated: April 22, 2013

New York Community Bank

By its attorneys,
Doonan Graves, & Longoria, LLC



Reneau J. Longoria, Esq. (BBO #635118)
John A. Doonan, Esq. (BBO #54644)
Stephen M. Valente, Esq. (BBO #663118)
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Beverly, MA 01915
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CERTIFICATE OF SERVICE

I, Reneau J. Longoria, hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on April 23, 2013.

/s/Reneau J. Longoria
Reneau J. Longoria, Esq.

¹ The Defendant is incorrectly named in the caption. The Defendant is New York Community Bank.



2012 00092963

Bk: 50176 Pg: 195 Doc: AST
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MASSACHUSETTS

COUNTY OF *SUFFOLK (REC)*

LOAN.NO [REDACTED]

POOL.NO



PREPARED BY:
SECURITY CONNECTIONS
WHEN RECORDED MAIL TO:

SECURITY CONNECTIONS, INC.
240 TECHNOLOGY DR.
IDAHO FALLS, ID 83401
ATTN

Assignment-Interv.-Recorded

ASSIGNMENT OF REAL ESTATE MORTGAGE

For value received, Mortgage Electronic Registration Systems, Inc. as
nominee for Ohio Savings Bank, its successors and assigns,

located at P.O. BOX 2026, FLINT, MI 48501-2026

hereby acknowledged, does hereby sell, assign, transfer, set
over, grant, and convey without representation, recourse or war-
ranty, express or implied by and between assignor and New York
Community Bank

located at 1801 E. Ninth Street Cleveland, OH 44114

its successors and assigns forever, that certain mortgage execu-
ted by THOMAS E ABATE INDIVIDUALLY
to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR
OHIO SAVINGS BANK ITS SUCCESSORS AND ASSIGNS

dated DECEMBER 29, 2005 and recorded on JANUARY 11, 2006 in the Land
Registration and Registry of Deeds for SUFFOLK
County, Massachusetts, in Mortgage Book 38844 Page
144 and Instrument No. 2006 00003925

Property Address: 238 PROCTOR AVE REVERE, MA 02151

Attested hereto

Francis M. Roache
Francis M. Roache
Register of Deeds



Loan No.

J=OS

P=S

MIN

MERS PHONE: 1-888-679-6377

(NMRI.MA)

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LOAN NO [REDACTED]

TOGETHER with all rights accrued or to accrue under said Mortgage.

Dated 8-29-12

In Witness Whereof, Mortgage Electronic Registration Systems, Inc. as nominee for Ohio Savings Bank, its successors and assigns

caused these presents to be signed by Paula Lechubner
its Asst Secretary and
its

this 29 day of Aug, 2012

Mortgage Electronic Registration Systems, Inc. as
nominee for Ohio Savings Bank, its successors and
assigns

Witness Brian Pfaffenberger
Pre-Foreclosure
Prop Preservation Supervisor

BY

Sarah Salupo
Assistant Secretary

Witness

BY

STATE OF Ohio)
COUNTY OF Cuyahoga) ss

On 8-29-12, before me, Andrea Geiger
personally appeared Sarah Salupo
and _____ personally
known to me (or proved to me on the basis of satisfactory evi-
dence) to be the person(s) who executed the within instrument as
Asst. Sec. and
on behalf of the corporation therein named and acknowledged to
me that the corporation executed it.

Andrea Geiger
NOTARY PUBLIC



ANDREA GEIGER
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Cuyahoga County
My Comm. Exp. 3/15/17

C=s. [REDACTED]

P=s. [REDACTED]

(NMRI.MA.2)

MIN [REDACTED] MERS PHONE: 1-888-679-6377

J=OB [REDACTED]

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